

**DEPARTMENT OF WORKFORCE  
DEVELOPMENT**

Secretary Jennifer Reinert  
201 East Washington Avenue  
P.O. Box 7946  
Madison, WI 53707-7946  
Telephone: (608) 266-7552  
FAX: (608) 266-1784



**State of Wisconsin  
Governor Scott McCallum**

**DEPARTMENT OF HEALTH AND  
FAMILY SERVICES**

Secretary Phyllis Dubé  
1 West Wilson Street  
P.O. Box 7850  
Madison, WI 53707-7850  
Telephone: (608) 266-9622  
FAX: (608) 266-7882

**TO: Economic Support Supervisors  
Economic Support Lead Workers  
Training Staff  
Child Care Coordinators  
W-2 Agencies**

**FROM: Amy Mendel-Clemens  
CARES Call Center  
Policy & Systems Communications Section**

**BWP/BIMA OPERATIONS MEMO**

**No.: 02-49**

**File: 7110**

**Date: 7/23/2002**

**Non W-2 ☐ W-2 ☐ CC ☒**

**PRIORITY: High**

**SUBJECT: CHANGES IN CHILD CARE  
ADMINISTRATIVE RULES AND POLICIES**

**CROSS REFERENCE:** Wisconsin Administrative Rule Chapter DWD 55.  
Day Care Manual, Chapter 4, Certification

**EFFECTIVE DATE:** August 1, 2002

**PURPOSE**

1. This memo provides information regarding changes in DWD 55, Day Care Certification Rules.
2. The Office of Child Care has created a new "one provider for one location" policy.

**POLICY**

**CHAPTER DWD 55 DAY CARE CERTIFICATION RULES**

**Certification process**

- **References:** The rules on the certification process are amended to require that the applicant's references not be related to the applicant. The county or tribal certification agency **shall** check references prior to granting the initial certification and **may** check references at certification renewal.

- TB-test: The results of the TB test that is required prior to certification may be from a test given up to one year before the application date.
- Home visits: The county or tribal agency will conduct an on-site inspection of the location where child care will be provided before certification or within 30 days following certification, re-certification, or a provider's move to a new location. This rule also applies to school age certified programs. The re-certification visit must be conducted by the certifying agency.
- Other licenses or certificates: If the applicant has a separate license or certification to care for children or adults, such as foster care or adult care, the county or tribal agency will request a statement from the appropriate regulating agency indicating that the regulating agency approves a child care business in the applicant's home. The request shall include a request for permission for the licensed or certified caregiver to release information necessary for criminal history record search for residents and clients in the applicant's home. A new form has been developed for this purpose. See Attachment #6.
- New Provider Packet: The county or tribal certification agency shall provide information on child care and the certification system to applicants prior to initial certification. The information shall include materials on sudden infant death syndrome, child development, positive discipline, health and safety, and nutrition.

### **Certification worker training**

The rules also create a requirement that new day care certification workers complete the department-approved certification training during the first 6 months of employment. "Day care certification worker" is defined as a person employed by a county/tribe or an agency under contract with a county or tribe whose duties include determination of eligibility for day care certification. Certification Basic Policy and Procedure trainings are listed on the BPS Training Registration site at <http://www.uwosh.edu/ccdet/wss/>

### **Certification denial, suspension, revocation, or refusal to renew**

The rules create additional reasons for which a county or tribal agency may deny, suspend, revoke, or refuse to renew certification and discontinue payment. The agency may deny/revoke/refuse to renew if:

- a) The provider submits false attendance records to the child care subsidy administrative agency,
- b) The provider fails to cooperate with the certifying agency,
- c) The applicant's license or certificate to care for children or adults has been denied or revoked. Samples of other licenses are (but not limited to) foster parent, child care, adult care licenses. Example: Provider's foster parent license revocation can be grounds for revoking the day care certification.
- d) The provider misrepresents or withholds information,
- e) The provider denies the day care certification worker access to the premises to monitor compliance with the certification standards.

The certifying agency shall require a provider to submit a new application for certification if the provider's previous certification was denied, revoked, or not renewed. The certifying agency **may** refuse to accept a new application for 2 years after the date of the denial, revocation, or refusal to renew the certification. A provider whose certification has been revoked twice for non-compliance with the certification standards shall be permanently barred from certification.

**Level I training**

The rule specifies that the 15 hours of child care training that regular Level I certified providers receive shall include information on child growth and development, positive discipline, child abuse and neglect, interpersonal relationships, daily schedule, health and safety, sudden infant death syndrome, business practices, and nutrition.

**Provider's home**

The standards for the provider's home are amended as follows:

- Firearms: firearms and ammunition shall be stored in separate, locked areas that are inaccessible to the children.
- Play ground equipment: Concrete and asphalt shall be prohibited under climbing equipment, swings, and slides.
- Pools: In-ground pools, on-ground pools with rigid sides, hot tubs, and large outdoor trampolines may not be used during hours of care and shall be inaccessible to children by use of a permanent barrier or other preventive measure. This rule does not apply to public pools. The provider may take the children to a public pool for swimming lessons, etc.
- Wading pools may be used if the water is changed daily and the pool is disinfected daily. "Wading pool" is defined as a shallow pool, capable of being dumped to change water, and used primarily for small children.
- Pets: Pets that may pose any risk to the children shall be restricted from indoor and outdoor areas used for day care.
- Phones: The certifying agency may prohibit the use of a cellular phone as a primary phone. If a cellular phone is used as a primary phone, it shall be operational during the hours of child care.
- Landlord notification: If the child care is provided in a rental property, the provider shall obtain permission from his or her landlord to operate a child care business. . A new form has been developed for this purpose. See Attachment #7.
- Water tests: The requirement that water be tested for lead when a public water supply is not available is repealed.

**Child health care**

- Diapering: The provider shall change a child's diaper on an easily cleanable surface that is cleaned with soap and water and a disinfectant solution after each use.
- Superficial wounds: The provider shall clean a child's superficial wound with soap and water only and protect it with a band-aid or bandage. **NOTE ➤** Disinfectants should not be used without a written authorization from the child's parent.

**Attendance records**

The standards on supervision are amended to require that the provider's attendance records include the arrival and departure times for each child and that attendance records be stored at least 3 years.

**Guiding children's behavior**

- a) The provider may not use discipline that is frightening to a child includes binding or trying to restrict the child's movement or enclosing the child in a confined space such as a closet, basement, locked room, box, or similar cubicle.
- b) The provider shall provide positive guidance and redirection for the children and set clear limits for the children.
- c) The provider shall help each child develop self-control, self-esteem, and respect for the rights of others.

- d) The provider may not use time-out periods that exceed 5 minutes. For purposes of this paragraph, a "time-out" is an interruption of unacceptable behavior by the removal of the child from the situation.
- e) The provider may not punish a child for lapses in toilet training.

**NOTE ➤** See "Resources" for ideas on how to educate providers on these issues.

### **Infant/Toddler Care**

- a) The provider shall respond promptly to a crying infant or toddler's needs.
- b) The provider shall provide physical contact and attention to each infant and toddler throughout the day, including holding, rocking, talking to, singing to, and taking on walks inside and outside the home.
- c) The provider shall periodically change the position and location in the room of a non-walking child who is awake.

### **Children's activities**

The standards on children's activities and equipment are amended as follows:

- a) The provider shall engage each child in outdoor activities daily, weather permitting, including infants and toddlers.
- b) The provider shall encourage each child to play with a variety of toys and equipment.
- c) Activities shall include opportunities for each child to be involved in a variety of activities during a week, including opportunities for play that enhance creativity, language development, use of large and small motor skills, and imagination.
- d) Activities shall also include reading to the children each day.
- e) There shall be opportunities for a non-walking child who can creep or crawl to move freely in a safe, clean, open, warm, and uncluttered area during each day.

### **Transporting children**

The standards on transporting children are amended to require that a provider ensure that :

- a) A written permission slip signed by a parent or guardian is on file.
- b) Children are not left unattended in a vehicle.

### **Rest**

The standards on rest are amended as follows:

- a) Each infant shall be placed to sleep on his or her back to reduce the risk of sudden infant death syndrome, unless otherwise directed by the child's physician.
- b) All sleeping arrangements for children under one year of age shall use firm mattresses and may not use soft bedding materials, such as comforters, pillows, fluffy blankets, or stuffed toys.
- c) A safe crib or playpen shall be available for each child under one year of age to use for napping.

### **Provider-parent communication**

The standards on provider-parent communication are amended as follows:

- a) The provider shall have on file a "Day Care Intake for Child Under 2 Years" form, which collects essential information for infants and toddlers, to individualize the program of care for each child under 2 years of age. The provider will use the information provided by the parents. See Attachment #5.
- b) The provider shall inform a child's parent of any disciplinary action taken or any injury to the child that occurred during day care hours.

- c) The provider shall also inform the parent in writing whether the premises are covered by a day care liability insurance policy.

**Child abuse reporting**

A provider who has reasonable cause to suspect that a child in his or her day care has been abused or neglected or that the child has been threatened with abuse or neglect and that abuse or neglect will occur shall immediately inform the county social or human services department, local law enforcement, or other organization designated in s. 48.981, Stats.

**Monitoring compliance**

The provider shall permit a day care certification worker to conduct home inspections to monitor compliance with the certification standards.

**NEW POLICY****ONE PROVIDER FOR ONE LOCATION**

Effective 08/01/02 only one provider will be certified to any one location. The maximum length of care cannot exceed 16 hours in a 24-hour period. Certifying agencies may grant exemptions to this rule on a case by case basis, if the certifying agency determines that an alternative means meets the intent of the requirement.

The rationale for the 16-hour rule is to assure that the responsible certified provider is alert and attentive, that children are not in care for excessive hours, and to allow for hours in the certified home during which the provider can relax and sleep. The intent is also to be consistent with DHFS licensing policy for family child care of one licensee per site.

A provider who requests to be approved for 24-hour care must meet the following guidelines in order to be considered for an exemption:

1. The request must be in writing
2. There must be a second provider, called "substitute" from here on, who will be in charge for the hours beyond 16. The substitute does not have to be certified but must meet similar qualifications as primary provider (initial training, continuing education, SIDS training, clear caregiver background check, TB-test).
3. The provider must document how s/he is going to meet the intent of the rule, preventing burn-out and assuring quality of care throughout the day.
4. The provider must submit work schedules indicating when the primary provider and the substitute are in charge. The schedule must include days and times.
5. The provider must submit schedules for enrolled children, including name, date of birth, days and hours of care.
6. The provider must document that the substitute understands the certification rules and agrees to follow them.

The primary provider will be responsible for any violations or liability issues in the certified home even if the violations occur during hours when the substitute provider is in charge. Only the primary provider will be entered into the child care payment system, and all authorizations will be made to this provider. The substitute provider will be considered an employee of the primary provider, who will be responsible for any tax liabilities incurred.

### SUBSTITUTE POLICY

The substitute policy listed in Day Care Manual, Chapter 4 is also revised. If a substitute is used on a regularly scheduled **weekly** basis, the substitute no longer needs to be certified, but must meet the same qualifications as the “substitute” mentioned above (training, continuing education, SIDS, background checks, TB-test). Before a regular substitute may be hired, the provider must have approval from the certifying agency. Occasional substitutes and emergency back-up persons do not have to be approved by the certifying agency.

The rationale for this policy is to be consistent with the licensing rules and to follow the intent of DWD 55, Certification Rules.

### IMPLEMENTATION TIME LINE FOR CURRENTLY CERTIFIED PROVIDERS

Currently certified providers: Certifying agencies should inform the currently certified providers about the changes so that they can comply with the rule. This could be done by mailing the new standards and checklist and/or a summary of the changes to the providers. A new standards and checklist, “Landlord Permission to Operate Child Care Business” form (if the provider rents the place where the care is given) and the “Regulatory Agency Approval/Acknowledgement to Operate Child Care Business” form (if the provider holds another form or caregiver license/certificate) must be completed at re-certification.

**Providers applying for certification after August 1, 2002:** All new rules apply.

### RESOURCES

**The Wisconsin Child Care Information Center (WCCIC):** has created a packet specifically for certifiers to use when educating providers on child development, positive guidance, health and safety, activities that enhance various important skills. They also have materials that the certifiers can order to create “new provider” packets that will meet the requirement under “Certification Process”. The certifying agencies can call WCCIC at 1-800-362-7353. Their web site is [ccic@dpi.state.wi.us](mailto:ccic@dpi.state.wi.us).

**The Wisconsin Child Care Improvement Project (WCCIP):** has useful tips on Infant/Toddler care, School Age care, Health and Safety, etc on their website. Log onto [www.wccip.org](http://www.wccip.org) and choose “Child Care Tips” link.

**National Association for Education of Young Children (NAEYC):** The new certification rules include many rules about quality, such as activities that enhance certain important skills. Many new rules were added regarding discipline. NAEYC has many wonderful and inexpensive brochures on these topics. The web site is: [www.naeyc.org](http://www.naeyc.org). Go to Resources, Browse Catalog and Browse “brochures”. The following brochures are available and very useful for educating providers:

- A caring place for your Infant
- A caring place for your toddler
- Helping children learn self-control
- Love and Learn: positive guidance for young children

- So many goodbyes (separation anxiety)
- Toys: tools for learning

**NOTE ➤** Safe Child Care funds may be used for this purpose.

**Child and Adult Care Food Program (CACFP):**

Contact a food program sponsor in your area for information on nutrition.

**FORMS**

The following forms have been revised and are available on the DWD forms depository at: [http://www.dwd.state.wi.us/dwd/forms/sort\\_number.htm](http://www.dwd.state.wi.us/dwd/forms/sort_number.htm). The forms will be available in printed format in September. Contact Barb Albrecht at 608-266-8002 or by e-mail: [barbara.albrecht@dwd.state.wi.us](mailto:barbara.albrecht@dwd.state.wi.us).

REVISED FORMS:

- Application for Family and In-home Child Day Care Certification (DWSW-48)
- Child Care Certification Standards and Checklist (DWSW-49 A-F)
- Parent Checklist for Certified Family Day Care Providers (DWSW-50)

NEW FORMS:

- Day Care Intake for Child Under 2 Years (DWSW-13133)
- Authorization to Administer Medicine (DWSW-13132)
- Landlord Permission to Operate Child Care Business (DWSW-13260)
- Regulatory Agency Approval/Acknowledgement to Operate Child Care Business (DWSW-13259)
- Day Care Child Enrollment and Health History form (DWSW-13251)

**MANUAL**

The Day Care Manual, Chapter 4, Certification has been updated. The revised version is available on the Office of Child Care web site at: <http://www.dwd.state.wi.us/dws/programs/childcare/wishares/manual.htm> The manual link can be found under "Partner Resources" tab. Paper copies will be mailed out in September.

**CONTACT**

Pirkko Zweifel, Office of Child Care  
Phone: 608-261-4595  
Email: [pirkko.zweifel@dwd.state.wi.us](mailto:pirkko.zweifel@dwd.state.wi.us)

**ATTACHMENTS**

1. Application for Family and In-Home Child Day Care Certification (DWSW-48)
2. Child Day Care Certification (DWSW-49 1-8)
3. Parent Checklist for Certified Family Day Care Providers (DWSW-50)
4. Authorization to Administer Medication (DWSW-13132)
5. Day Care Intake for Child Under Two (2) Years Old (DWSW13133)
6. Regulatory Agency Approval/Acknowledgement to Operate Child Care Business (DWSW-13259)
7. Landlord Permission to Operate Child Care Business (DWSW-13260)
8. Day Care Child Enrollment and Health History (DWSW-13251)